

EXHIBIT 1

IN THE CIRCUIT COURT OF CROCKETT COUNTY, TENNESSEE
TWENTY-EIGHTH JUDICIAL DISTRICT AT ALAMO

OLYMPIC STEAK AND PIZZA, LLC,

Plaintiff,

V.

WESTERN WORLD INSURANCE COMPANY

Defendant.

CIRCUIT DIV. .
DOCKET NO.
JURY DEMAND

2585

COMPLAINT FOR DAMAGES

COMES NOW, Olympic Steak and Pizza, LLC (“Policyholder”), by and through counsel, and upon information and belief would state to the Court as follows:

I. PARTIES TO PROCEEDINGS

1. Policyholder is a domestic corporation organized and with its principal place of business in Tennessee. Policyholder owns the subject property located at 5711 Hwy 412, Bells, TN 38006 (“Insured Premises”)

2. Defendant Western World Insurance Company ("Insurer"), NAIC CoCode 13196, is a foreign corporation domiciled in the State of New Hampshire. Insurer can be served through the Commissioner of Insurance to its Home Office located at 400 Parson's Pond Drive, Franklin Lakes, NJ 07417-2600.

FILED
CIRCUIT COURT OF CROCKETT CO.

Date: 4-14-21

Time: 12:00

Kim Kail, Circuit Court Clerk

Client
O'Donald

II. JURISDICTION AND VENUE

3. Insurer is duly licensed to sell Policies of Insurance in Tennessee. At all times pertinent hereto, Insurer advertised, marketed, sold, and otherwise offered policies of insurance to citizens of Crockett County, Tennessee. This Court has personal jurisdiction over the Defendant.

4. This action for breach of contract arises under Tennessee Common and Statutory Law, in an amount not to exceed \$500,000.00, over which, this Court has Subject Matter Jurisdiction.

5. The subject Insured Premises, as well as the bulk of the witnesses are located in Crockett County. The majority of the facts and circumstances that gave rise to this suit occurred in Crockett County. Venue is proper.

IV. STATEMENT OF THE CASE

6. Policyholder purchased a Policy of Insurance from Insurer to cover the Insured Premises that was in full force and effect on the date of this event. The policy number was NPP8664937.

7. Insurer agreed to cover the Insured Premises from damage or loss in exchange for valuable consideration as evidenced by the Policy.

8. At all times pertinent hereto Policyholders timely paid, and Insurer accepted, consideration in the form of premium payments.

9. The Insured Premises were well maintained and free from significant deterioration or preexisting damage.

10. On or about July 9, 2020, a certain severe weather event, which included high velocity wind and large hail, seriously damaged the Insured Premises.

11. Policyholder timely filed a claim with Insurer. The claim number was 157404.

12. An estimate and Proof of Loss were prepared and submitted to Insurer.

13. Policyholder completed all conditions precedent, pursuant to the Policy of Insurance, that trigger the Insurer's duty to pay.

14. Damage from wind and hail are covered perils. Insurer admitted there was covered damage from wind and hail but significantly undervalued the claim.

15. Policyholder has demanded payment from Insurer, but Insurer has willfully refused to pay the true amount of loss pursuant to the Policy of Insurance.

V. CAUSES OF ACTION

1. BREACH OF CONTRACT

16. Plaintiff hereby incorporates paragraphs 1-15 by reference as if verbatim.

17. Policyholder brings this action for Breach of Contract.

18. Insurer agreed to cover the Insured Premises from damage or loss in exchange for valuable consideration as evidenced by the Policy of Insurance. Wind and Hail are covered perils and not excluded under the Policy of Insurance.

19. At all times pertinent hereto Policyholder timely paid, and Insurer accepted, consideration in the form of premium payments.

20. The Insured Premises were seriously damaged by wind and hail compromising Policyholder's roofing system and allowing moisture infiltration.

21. Policyholder timely filed a claim with Insurer and its estimate and Proof of Loss were submitted to Insurer.

22. Policyholder completed all conditions precedent, pursuant to the Policy, that trigger the Insurer's duty to pay.

23. Insurer admits there was covered wind and hail damage but significantly undervalued the claim.

24. Insurer refuses to pay the true amount of loss, which is a material breach of the agreement.

25. Insurer's failure in its duty is the cause and proximate cause of Policyholders injuries including any continued damage from water infiltration to the Insured Premises.

2. COMPENSATORY DAMAGES

26. Plaintiffs hereby incorporate paragraphs 1-25 by reference as if verbatim.

27. Policyholder prays for an award of Compensatory Damages.

28. Policyholder was injured when Insurer failed to perform on the contract and Policy of Insurance when performance came due. Policyholder suffered damage from water infiltration to the Insured Premises.

29. Policyholder is entitled to compensatory damages to be restored to whole.

VI. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully pray that the Defendant be required to answer this Complaint, and that the Plaintiffs be awarded a judgment against the Defendants for the following:

1. Policyholder prays for compensatory damages in an amount not to exceed \$500,000.00;

2. Policyholder prays for costs of this court; and,

3. Policyholder prays for such other and further relief as this court may deem proper and in the interest of justice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Songstad", is written over a horizontal line.

Randall N. Songstad #018442
David 'Hawk' Allen #038177
Attorneys for the Plaintiffs
254 Court Avenue, Suite 505
Memphis, TN 38103
(901) 870-5500
randy@songstadlawfirm.com

CROCKETT County	STATE OF TENNESSEE CIVIL SUMMONS page 1 of 2	Case Number 3585
OLYMPIC STEAK AND PIZZA, LLC V. WESTERN WORLD INSURANCE COMPANY		

Served On:

Western World Insurance
Company NAIC CoCode
13196

500 James Robertson Parkway, Nashville, TN 37219

C/O Commissioner of
Insurance

You are hereby summoned to defend a civil action filed against you in Circuit Court, Crockett County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: 4-14-21

Kimberly J. Byrd
Clerk/Deputy Clerk

Attorney for Plaintiff: Randall N. Songstad (901.870.5500)
254 Court Avenue, Suite 505, Memphis, TN 38103

NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. Please state file number on list.

Mail list to _____ Clerk, _____ County

CERTIFICATION (IF APPLICABLE)

I, _____, Clerk of _____ County do certify this to be a true and correct copy of the original summons issued in this case.

Date: _____
Clerk / Deputy Clerk

OFFICER'S RETURN: Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

I certify that I have served this summons together with the complaint as follows: _____

Date: _____

By: _____
Please Print: Officer, Title

Agency Address _____

Signature _____

ADA: If you need assistance or accommodations because of a disability, please call _____, ADA Coordinator, at () _____.

<u>CROCKETT</u> County	STATE OF TENNESSEE CIVIL SUMMONS page 2 of 2	Case Number 3585
<u>OLYMPIC STEAK AND PIZZA, LLC</u> V. <u>WESTERN WORLD INSURANCE COMPANY</u>		

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on _____, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant _____. On _____ I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: _____

Notary Public / Deputy Clerk (Comm. Expires _____)

Signature of Plaintiff _____

Plaintiff's Attorney (or Person Authorized to Serve Process)
(Attach return receipt on back)

STATE OF TENNESSEE
Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, TN 37243-1131
PH - 615.741.1670, FX - 615.532.2788
Service.Process@tn.gov

April 27, 2021

Western World Insurance Company
300 Kimball Drive, Suite 500
Parsippany, NJ 07054
NAIC # 13196

Certified Mail
.....Return Receipt Requested
7018 2290 0001 0486 1234
Cashier # 211358

Re: Olympic Steak And Pizza Llc V. Western World Insurance Company

Docket # 3585

To Whom It May Concern:

Pursuant to Tennessee Code Annotated §56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served April 26, 2021, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Designated Agent
Service of Process

Enclosures

cc: Circuit Court Clerk
Crockett County
1 S. Bells St, Courthouse, Ste 4
Alamo, Tn 38001

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By: _____
Please Print: Officer, Title

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Signature

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Date: _____

Notary Public / Deputy Clerk (Comm. Expires _____)

Signature of Plaintiff _____

 Plaintiff's Attorney (or Person Authorized to Serve Process)
 (Attach return receipt on back)